

1934 Supplement
To
Mason's Minnesota Statutes
1927

(1927 to 1934)
(Superseding Mason's 1931 Supplement)

Containing the text of the acts of the 1929, 1931, 1933 and 1933-34 Special Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state, federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota



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licensee resides, or in the case of a non-resident, in the county in which such non-resident may be temporarily residing, and upon such hearing the Commissioner shall either rescind his temporary order of suspension or, good cause appearing therefor, may continue such suspension in effect for a period not exceeding 90 days.

(b) The Commissioner is hereby authorized to suspend or revoke the license of any resident of this state upon receiving a record of the conviction of such person in another state of an offense therein committed which, if committed in this state, would be grounds for the suspension or revocation of the license of the operator. The Commissioner is further authorized upon receiving a record of the conviction in this state of a non-resident driver of a motor vehicle, of any offense under the motor vehicle laws of this state, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident.

(c) The Commissioner shall not suspend a license for a period of more than one year and upon suspending or revoking any license shall require that such license, so suspended or revoked, shall be surrendered except that at the end of the period of suspension, such license, shall be returned to the licensee. (Act Apr. 21, 1933, c. 352, §12.)

2720-135. Suspended licensee may appeal to court.—Any person whose license has been suspended by the Commissioner, may file a petition within thirty days thereafter for a hearing in the matter in the District Court in the County wherein such person shall reside, and in the case of a non-resident, in the District Court in any County, and such court is hereby vested with jurisdiction, and it shall be its duty to set the matter for hearing upon ten days' written notice to the Commissioner and thereupon to take testimony and examine into the facts of the case to determine whether the petitioner is entitled to a license or is subject to suspension of license under the provisions of this Act and shall render judgment accordingly. (Act Apr. 21, 1933, c. 352, §13.)

2720-136. May apply for new license after one year.—Any person whose license has been revoked under the provisions of Section 10 hereof may, after one year from the date of such revocation, petition the district court of the county wherein he resides, or, in case of a non-resident, the district court of any county, for an order directing the commissioner to issue a certificate of license to him. The district court

is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon 10 days' written notice to the commissioner. At the hearing the court shall take testimony and examine into the facts of the case to determine whether the petitioner is entitled to a license and shall make its order, granting or denying the petition. If the petition is granted, the commissioner, upon receipt of a certified copy of the order of the court, shall issue such license. If the petition is denied, no renewal thereof shall be made during the period of one year from the date of the order of the court. (Act Apr. 21, 1933, c. 352, §14.)

2720-137. Misdemeanor to operate motor vehicle after suspension of license.—Any person whose operator's license has been suspended or revoked as provided in this Act, and who shall drive any motor vehicle upon the highways of this state while such license is suspended or revoked or who shall violate any of the other provisions of this Act shall be guilty of a misdemeanor. (Act Apr. 21, 1933, c. 352, §15.)

2720-138. Fees to be paid into state treasury.—All money received under the provisions of this Act shall be paid into the State Treasury and shall be credited to an operator's license fund and the entire amount or so much thereof, as shall be necessary for the expense of the administration of this Act, is hereby appropriated for that purpose. (Act Apr. 21, 1933, c. 352, §16.)

Fees need not be reported under §976 of the statutes. Op. Atty. Gen., July 22, 1933.

Commissioner of highways could purchase equipment and supplies for driver's license division on a deferred payment plan in anticipation of fees to be collected. Op. Atty. Gen., Sept. 12, 1933.

2720-139. Commissioner of highways may appoint agent.—Any duties required of, or powers conferred on the Commissioner of Highways under the provisions of this Act may be done and performed or exercised by any of his duly authorized agents. (Act Apr. 21, 1933, c. 352, §17.)

2720-140. Provisions separable.—If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act. (Act Apr. 21, 1933, c. 352, §18.)

2720-141. Inconsistent acts repealed.—All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed. (Act Apr. 21, 1933, c. 352, §19.)

CHAPTER 13A

Vessels Navigating Lakes and Rivers

2740-1. Definition.—The words "motor boat" where used in this act shall include every vessel propelled by machinery, except tug and/or tow boats propelled by steam and operated upon any lakes or streams of this state, except lakes and streams situated in whole or in part north of the north line of township 52 as the same extends due west across the state and excepting likewise all waters constituting the boundary between the State of Minnesota and any other state. (Act Mar. 26, 1931, c. 88, §1.)

2740-2. Speed of motor boats.—No motor boat under the provisions of this chapter shall be operated at a speed greater than is reasonable and proper having due regard to the safety of other boats and persons. (Act Mar. 26, 1931, c. 88, §2.)

2740-3. Must have mufflers.—Every motor boat under the provisions of this chapter propelled by an internal combustion engine shall at all times be so equipped as to completely and effectually "muffle" and silence the sound of the explosions of such engine by diverting its exhaust under water, or otherwise. It shall be unlawful to operate any such motor boat

so propelled by an internal combustion engine with the muffler or cut-out open on any navigable or public waters in this state other than international waters, waters constituting the boundary between the State of Minnesota and any other state, except while such motor boat is actually competing in a race licensed to be held pursuant to section 4 [§2740-4] hereof. (Act Mar. 26, 1931, c. 88, §3.)

2740-4. Mufflers may be open in races.—Such motor boats may be operated with mufflers or cut-outs open while actually competing in any race licensed to be held by the council or other governing body of the city, village, or town adjacent or nearest to that portion of the body of water on which such race is to be held. (Act Mar. 26, 1931, c. 88, §4.)

2740-5. Owner to report accidents.—Within 48 hours after a motor boat meets with an accident involving personal injury or loss of life, it shall be the duty of the owner or the person in charge of such motor boat to prepare a written report, setting forth the details of the casualty, which report shall be forwarded by mail or otherwise to the sheriff of the

county in which the accident occurred. (Act Mar. 26, 1931, c. 88, §5.)

2740-6. Inconsistent acts repealed.—All prior acts or parts of prior acts inconsistent with the provisions of this act are hereby repealed. (Act Mar. 26, 1931, c. 88, §6.)

2740-7. Violation—penalties.—Any person who violates any section of this act shall be guilty of a

misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or imprisonment not exceeding thirty days, or both. (Act Mar. 26, 1931, c. 88, §7.)

2740-8. Effective July 1, 1931.—This act shall take effect and be in force from and after July 1st, 1931. (Act Mar. 26, 1931, c. 88, §8.)

CHAPTER 14

Education

2741. Public schools—Tuition free—Age of pupils. Children of an orphanage have legal right to attend school without payment of tuition. Op. Atty. Gen., Apr. 17, 1933.

2742. School districts. Laws 1933, c. 356, relating to taxation of agricultural lands, is not applicable to special school districts. Op. Atty. Gen., July 17, 1933.

2744. Petition.

Op. Atty. Gen., June 16, 1932; note under §2753.

2745. Notice of hearing.

Op. Atty. Gen., June 16, 1932; note under §2753.

2747. Appeal from order.

Determination of board in granting or rejecting petition will not be disturbed by the courts unless based upon erroneous theory of law, or unless the decision is clearly arbitrary, oppressive, fraudulent or in unreasonable disregard of the best interests of the territory affected, or such as to work manifest injustice. 174 M347, 219NW289.

Verdict that rejection of petition was arbitrary and unreasonable held sustained by evidence. 174M347, 219 NW289.

Action of county board in detaching territory from one district and adding it to another is legislative in character, and cannot be disturbed unless arbitrary, unreasonable or unjust or against the best interests of the public. 174M380, 219NW456.

2748. Changing boundaries of school districts.—By like proceedings, and upon petition of the majority of the freeholders of each district affected, qualified to vote at school meetings, the boundaries of any existing district may be changed, or two or more districts consolidated, or one or more districts annexed to an existing district. No change in the boundaries of a district by organization of a new district, by detachment of land on petition of the owner or owners, or otherwise shall be made, so as to leave the old district without at least one school house used for school purposes and without at least four sections of land if not a consolidated district and not less than 12 sections if a consolidated district, nor shall any change of districts in any way affect the liabilities of the territory so changed upon any bond or other obligation; but any such real estate shall be taxed for such outstanding liability and interest, as if no change had been made. In case of the consolidation or annexation of districts, whether under the foregoing or any other provisions of the law, action shall be brought by or against the new or remaining district upon any cause existing in favor of or against any discontinued district, but a judgment in such action against such existing district shall be satisfied only from taxes upon the real property included in the discontinued district, when the liability was incurred.

Provided, that when any incorporated borough, village or city of seven thousand or less inhabitants, has within its limits a school district, however organized, or is wholly or partly included within the boundaries of any school district, however organized, or whenever any such school district shall include within its boundaries part or the whole of any incorporated borough, village or city of seven thousand inhabitants, or less, the boundaries of any such district or districts may be enlarged or changed so as to include all lands within the corporate limits of such borough, city or village or so as to include lands

within and outside of such incorporated borough, city, or village, but contiguous to said district in the following manner, to-wit:

Whenever a majority of the legal voters residing within such school district and a majority of the legal voters residing upon the lands proposed to be attached or annexed to such school districts shall petition the board of county commissioners of the county wherein such district is situated for an enlargement of such district, and shall file a petition with the auditor of said county, it shall be the duty of the board of county commissioners at its next regular meeting, or special meeting, to set a time and place for hearing upon such petition, and it shall cause a copy of the notice of such hearing to be posted in some public place in each district to be affected by such proposed change, and a copy thereof to be served upon the clerk of each of said districts, at least ten (10) days before the time appointed for such hearing. The posting of such copy of notice shall be proven by the affidavit of the person posting the same; said affidavit shall state the time and place of posting and serving of the copy of notice as herein specified, and upon filing proof of the posting and serving of such notice in the office of the county auditor, the board of county commissioners shall at the time and place fixed proceed with the consideration of such matter and shall hear all evidence offered by any person interested, tending to show what territory should be included within such district, and having heard the evidence they shall, if they find it conducive to the good of the inhabitants of the territory affected, proceed to enlarge the said school district as asked for in the petition, and to fix the boundaries thereof and of all the remaining school districts thereby affected, attaching to or detaching contiguous territory to or from any of such districts, in such manner as in their judgment the best interests of the persons and districts thereby affected may require; provided, that no action or order changing any boundaries of any school district shall be valid unless and until the foregoing requirements as to posting and serving of notices have been observed; and provided further, that whenever the territory affected by any of the foregoing proceedings lies in two or more counties, like proceedings shall be had in each county affected, and no order in such proceedings shall be valid unless concurred in by the county board of all such counties affected.

At the time of making such division, enlargement or change of boundaries, the county commissioners shall apportion to the district so enlarged that portion of the debts of said other districts as may seem to them right and proper, and said apportionment when so made shall be binding upon all the districts affected, and the county commissioners may also apportion to said districts so enlarged, such portion of the property of such other districts as shall seem to them just and proper. Said last mentioned apportionment shall be subject to review by the district court;

And provided further, that any person or officer of any school district aggrieved by any order of the county board made pursuant to the provisions of this